

Appl. No. 10/786,732
Amendment dated May 26, 2006
Reply to office Action of March 22, 2006

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

1. **Status of the Claims**

Claims 1-21 are pending in this application. Claims 1, 12, 18 and 20 have been amended to recite the pour opening as a defined by a plurality of substantially uniformly disposed apertures and that the air passageway is encircled by these apertures. Additional amendments to the claims were made to maintain consistency between the terms recited in each of the claims that recite the upper and lower portions of the cylindrical body. Support for the amendment can be found in the specification as originally filed, for example on:

Page 7 lines 15- 26; and

FIGS. 3 and 5.

No new matter has been added.

2. **Prior Art Rejections**

Claims 1- 8, 10-11 and 14-21 have been rejected as being clearly anticipated by U.S. Patent No. 3,168,221, to Parker ("Parker").

Applicants have amended claims 1, 18 and 20 to clarify the claimed subject matter in that the pour opening is a defined by a plurality of substantially uniformly disposed apertures and that the air passageway is encircled by these apertures, and that the apertures substantially surround the air passageway.

3. **Argument**

Thus, the air passageway is surrounded by the apertures, the air passageway extending into the bottle at an area in which air is present, so that fluid can flow smoothly from the pour opening because the air passage provides a relief for the negative pressure created inside the bottle from the liquid flowing out of therefrom, and the apertures providing a filtering function to filter out any

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solid objects from the fluid stream being poured out of the bottle. As described in the specification at page 7, the apertures may be made of any size desired, so as to filter out as small particles as is desired.

Parker fails to disclose or show such a feature, and thus the claims, as amended distinguish over the cited art. Neither do the other cited and relied upon references disclose the claimed structure, in the context of a stopper having an air passageway, as disclosed and claimed herein.

Applicants submit Parker fails to teach or suggest such an arrangement, and the amendment to Claims 1, 18 and 20 has overcome the outstanding rejection.

Therefore, Applicants submit that amended Claims 1, 18 and 20, and all claims dependent thereon are patentable over Parker or any of the other cited references, whether taken independently or in combination, because Parker has been distinguished based on the structure of the spout opening.

Parker additionally does not teach or suggest other elements recited in the dependent claims, which failure to disclose is not cured by the other cited references. For example, Claim 17 recites the cap being integrally attached to the first cylindrical body and Claim 9 recites the visual indicator being a color different from the color of the cylindrical body as. None of the cited references, alone or in combination, teaches or suggests a bottle stopper having a visual indicator spaced about 180 degrees relative to an air passageway to provide a visual indicator of the position of the air passageway when pouring from a bottle, whether it is or not a different color. Thus a *prima facie* case of obviousness is not set forth in the rejection of the dependent claims, and the rejection is respectfully considered to be improper.

CONCLUSION

In view of the foregoing, all of the rejections have been overcome and that claims 1-21, as amended, are considered to distinguish the references of record.

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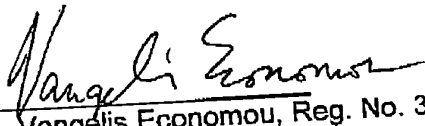
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Accordingly, reconsideration and withdrawal of the outstanding rejections are respectfully requested and an early indication of allowance is solicited.

Respectfully submitted,

Dated: May 26, 2006

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